

REMARKS

Applicant appreciates the courtesy extended by the Examiner during the personal interview with Applicant's representative on April 26, 2006. During that interview, certain amendments were discussed for putting the application in condition for allowance.

The Office Action mailed January 13, 2006 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 37-39, 51-54, 62, 67 and 68 were pending in the application. Claims 37, 62, 67 and 68 have been amended. No claims have been canceled or added by this response. Therefore, claims 37-39, 51-54, 62, 67 and 68 are pending in the application and submitted for reconsideration.

Information Disclosure Statement

The Information Disclosure Statement (IDS) filed September 20, 2005 was entered into the file but not considered by the Examiner because it allegedly lacked the fee set forth in 37 CFR 1.17(p). Applicant respectfully disagrees and requests consideration of the IDS. In the Fee Transmittal accompanying the submission of the IDS, Applicant marked the box authorizing the Patent Office to charge any additional fees under 37 CFR 1.16 or 1.17 to its deposit account. (Copy enclosed). Therefore, even if the check for \$130.00 accompanying the IDS and the Terminal Disclaimer filed September 20, 2005 was insufficient, the Patent Office was authorized to charge the deposit account.

§ 102 REJECTIONS

Claims 37-39, 51-54, 62, 67 and 68 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Kehr (U.S. Patent No. 5,642,731). Applicant respectfully traverses this rejection.

As requested by the Examiner during the personal interview, the claims have been amended to specify "blood glucose", in addition to "disease control parameter." Additionally, the clause "for weighing the impact on a future blood glucose value and that are customized to an individual patient to predict the effect on the blood glucose of self-care actions performed by the individual patient", has been added to the claim to more clearly define the scaling factors as suggested by the Examiner. These features are not disclosed in Kehr, nor suggested by any combination of the references of record.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the pending claims are in condition for allowance. Entry of this amendment and an early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2228, under Order No. 014030.0123N2US from which the undersigned is authorized to draw.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2228. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2228. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2228.

Dated: June 12, 2006

Respectfully submitted,

By 

Michele V. Frank

Registration No.: 37,028

PATTON BOGGS LLP

8484 Westpark Drive, 9th Floor

McLean, Virginia 22102

703/774-8000

703/744-8001 (Fax)

Attorney for Applicant